

**PROCEEDINGS OF THE COMMON COUNCIL OF  
THE CITY OF RICHMOND, INDIANA,  
MONDAY, NOVEMBER 5, 2007**

The Common Council of the City of Richmond, Indiana met in regular session Monday, November 5, 2007, in the Council Chambers in said City.

**PLEDGE OF ALLEGIANCE**

**PRAYER BY COUNCILOR WISSEL**

President Pappin presided and the following business was conducted:

**ROLL CALL**

Councilors present were Howard "Jack" Elstro, Bruce Wissel, Karl Sharp, Bing Welch, Larry Parker, Al Glover, Gil Klose and Diana Pappin. Absent was Etta Lundy.

**APPROVAL OF MINUTES**

Councilor Welch moved to approve the minutes of the meeting of October 15, 2007, with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,  
MOTIONS, RESOLUTIONS**

- **PUBLIC HEARING – ECONOMIC REVITALIZATION AREA DESIGNATION** – Pursuant to Indiana Law, I.C. 6-1.1-12.1 et. seq., the Common Council of the City of Richmond, Indiana may find that a particular area within the City is an Economic Revitalization Area (ERA) which provides as an economic development incentive certain property tax deductions for the redevelopment or rehabilitation of real property or the installation of new manufacturing equipment. The Common Council has previously adopted Resolution No. 9-1984 setting forth the standards and requirements to be used in finding an area to be an ERA and Resolution No. 10-1984 which designates certain areas in the City as ERA's and sets forth certain procedures for an owner to obtain certain deductions therein. Ordinance No. 102-1999 added certain property to the boundaries of the City of Richmond, which includes a triangular parcel continuing approximately 153.770 acres, bounded by Interstate 70 on the south, North Salisbury Road on the west, and North US 35 on the northeast (commonly known as the *US 35 Property*) as an ERA in order to give flexibility to provide development incentives to property owners therein. Pursuant to Resolution No. 11-2007 adopted by the Common Council on October 15, 2007, it is the desire to designate the *US 35 Property* as an ERA in order to give flexibility to provide development incentives to property owners therein. This Council finds that this property meets the criteria established by statute and this City for the establishment of an ERA.

Councilor Wissel moved to confirm Resolution No. 11-2007, with a second by Councilor Sharp. Upon a vote *viva voce*, the motion passed.

- **SISTER CITY PRESENTATION:** Erma Rich and Steve Holman of the Sister City organization introduced special guests from Richmond's Sister City, Serpakov, Russia. This year the theme is Education and the representatives were involved in education. The guests made a presentation about the educational facilities and process in their City.

**COMMUNICATION FROM THE MAYOR**

- The Water Company project on Peacock Road will be complete soon.
- The Fall leaf collection is going well.

## **REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY**

Minutes of the October 11 and 18, 2007 meetings were accepted as presented.

## **REPORTS FROM DEPARTMENT HEADS - None**

## **REPORTS FROM STANDING COMMITTEES**

- Police Chief Wolski placed the nomination of Dr. Amy Viano for another term on the Police Merit Commission. Council will entertain additional nominations to be voted on at the November 19 meeting.

## **REPORTS FROM SPECIAL COMMITTEES - None**

## **REPORTS FROM ORGANIZATIONS - None**

## **MISCELLANEOUS BUSINESS**

Councilor Wissel moved to add Ordinance No. 30-2007 to the Agenda to be heard on second reading, with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to hold Ordinance No. 79-2007 to the Agenda to be heard on first reading, with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

## **ORDINANCES ON FIRST READING**

Councilor Elstro moved to suspend the rules and read Ordinance Nos. 77 and 78-2007 on first reading by title only with a second by Councilor Wissel. Upon a vote *viva voce*, the motion passed.

### **ORDINANCE NO. 77-2007 – AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 55-2006 KNOWN AS THE 2007 SALARY ORDINANCE**

The Clerk read Ordinance No. 77-2007 on first reading by title only.

This Ordinance would change the job title of Director of Administration and Special Projects to Business Manager and reduce the budget amount.

Councilor Wissel moved to advance Ordinance No. 77-2007 to second reading and to suspend the rules and read by title only with a second by Councilor Elstro. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 77-2007 on second reading by title only.

Council President Pappin declared Ordinance No. 77-2007 on second reading and public hearing. Speaking in favor was Bill Harris, Director of Human Resources. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 77-2007 with a second by Councilor Wissel. Upon a vote *viva voce*, the motion passed.

Councilor Wissel moved to advance Ordinance No. 77-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Sharp. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 77-2007 on third reading by title only.

Ordinance No. 77-2007 was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 78-2007 – AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 46-2007 KNOWN AS THE 2008 SALARY ORDINANCE**

The Clerk read Ordinance No. 78-2007 on first reading by title only.

This Ordinance proposed to increase the 2008 Budget to reflect a 3% increase in salary for the Business Manager of the Department of Parks and Recreation.

Councilor Wissel moved to advance Ordinance No. 78-2007 to second reading and to suspend the rules and read by title only with a second by Councilor Elstro. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 78-2007 on second reading by title only.

Council President Pappin declared Ordinance No. 78-2007 on second reading and public hearing. Councilor Sharp questioned a raise just weeks after hiring a new employee. Mr. Harris explained this is a cap on the salary. The full budget amount would not be paid until the employee completed six months of service. There being no further comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 78-2007 with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 78-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 78-2007 on third reading by title only.

Ordinance No. 78-2007 was adopted with a 7-1 roll call vote. Dissenting was Councilor Sharp.

**ORDINANCES ON SECOND READING**

**ORDINANCE NO. 30-2007 – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (Ahaus Tool)**

The Clerk read Ordinance No. 30-2007 on second reading by title only.

This Ordinance is a request of Ahaus Tool for a ten-year tax abatement for equipment valued at \$200,000.

Councilor Wissel moved to amend the Ordinance to reflect a value of \$169,123, with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

The Tax Abatement Committee recommended approval of Ordinance No. 30-2007 as amended.

Council President Pappin declared Ordinance No. 30-2007 as amended on second reading and public hearing. Speaking in favor was Kevin Ahaus, Owner. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 30-2007 as amended with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 30-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 30-2007 as amended on third reading by title only.

Ordinance No. 30-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 68-2007** – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3, ONE TO EIGHT FAMILY RESIDENCE, TO R-3, SPECIAL USE (117 S 4<sup>th</sup> St)

The Clerk read Ordinance No. 68-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 117 South 4<sup>th</sup> Street from R-3 One-to-Eight Family Residence District to R-3 Special Use District to allow the property to be used as a professional office for property management. This Ordinance was heard on public hearing at the October 25, 2007 Richmond Advisory Plan Commission meeting. The Plan Commission voted unanimously to recommend approval.

Councilor Wissel moved to amend Ordinance No. 68-2007 to add the Commitments recommended by the Planning Staff and endorsed by the Plan Commission, with a second by Councilor Sharp:

1. The existing sign shall be installed on a 6' pole
2. The sign will be located on the lot so as not to obstruct the line of sight for the owner to the north's driveway.
3. The sign will not be internally illuminated.
4. No curb cut is required at this location.
5. Any change of business plan that alters the nature of the business, particularly in regard to customer traffic, would require an amendment to the rezoning ordinance.
6. Pursuant to IC 36-7-4-921, these commitments shall be binding upon: 1) the owner of the parcel; 2) a subsequent owner of the parcel; and 3) a person who acquires an interest in the parcel.
7. In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Upon a vote *viva voce*, the motion passed.

Council President Pappin declared Ordinance No. 68-2007 as amended on second reading and public hearing. Speaking in favor was Terry Harkelroad, owner. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 68-2007 as amended with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 68-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 68-2007 as amended on third reading by title only.

Ordinance No. 68-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 69-2007** - A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (CDM Associates)

The Clerk read Ordinance No. 69-2007 on second reading by title only.

This Ordinance is a request of CDM Associates, LLC. for a 10-year tax abatement for real estate valued at \$3,000,000. This property is located in the Economic Revitalization Area designated in Resolution No. 11-2007. The Tax Abatement Committee recommended approval.

Council President Pappin declared Ordinance No. 69-2007 on second reading and public hearing. Speaking in favor was Duane Moore, Owner. There being no comments against the Ordinance,

Councilor Parker moved for engrossment of Ordinance No. 69-2007 with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 69-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Sharp. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 69-2007 on third reading by title only.

Ordinance No. 69-2007 was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 71-2007 – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (AQuMed Mfg.)**

The Clerk read Ordinance No. 71-2007 on second reading by title only.

This Ordinance is a request of AQuMed Manufacturing LLC for a 10-year tax abatement for equipment valued at \$35,000. The Tax Abatement Committee recommended approval.

Due to the lack of health insurance at the onset of this new business, Councilor Klose moved to grant the abatement and that it be reviewed in two years to check the status of employee benefits. There was a second by Councilor Glover. The motion passed with a 5-3 roll call vote. Dissenting were Councilors Wissel, Welch and Pappin. Council President Pappin declared Ordinance No. 71-2007 as amended on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 71-2007 as amended with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 71-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 71-2007 as amended on third reading by title only.

Ordinance No. 71-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 75-2007 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-4, MULTI-FAMILY RESIDENCE DISTRICT, TO R-4, SPECIAL USE (1829 E Main St)**

The Clerk read Ordinance No. 75-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 1829 East Main Street from R-4 Multi-Family District to R-4 Special Use District so the owner may operate the site as their residence and Special Events Facility. This petition was heard at public hearing before the Richmond Advisory Plan Commission on October 25. The Plan Commission unanimously recommended approval.

Councilor Wissel moved to amend Ordinance No. 75-2007 to add the Commitments recommended by the Planning Staff and endorsed by the Plan Commission, with a second by Councilor Sharp:

1. A sign no larger than the existing sign be allowed in the front yard and a sign of 1'x1' be allowed on the side as well as an additional directional sign in the parking lot.
2. The signs may not be internally illuminated.
3. A landscape plan must be submitted to the Planning Office which meets the Visual Enhancement guidelines and be installed within six months of the passage of this Ordinance.
4. Any change of business plan that alters the nature of the business, particularly in regard to customer traffic, would require an amendment to the rezoning ordinance.

5. Pursuant to IC 36-7-4-921, these commitments shall be binding upon: 1) the owner of the parcel; 2) a subsequent owner of the parcel; and 3) a person who acquires an interest in the parcel.
6. In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Upon a vote *viva voce*, the motion passed.

Council President Pappin declared Ordinance No. 75-2007 as amended on second reading and public hearing. Speaking in favor was Donna Geddes, Owner. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 75-2007 as amended with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

Councilor Elstro moved to advance Ordinance No. 75-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 75-2007 as amended on third reading by title only.

Ordinance No. 75-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCE NO. 76-2007** – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3, ONE TO EIGHT FAMILY RESIDENCE, TO R-3, SPECIAL USE DISTRICT (1901 E Main St)

The Clerk read Ordinance No. 76-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 1901 East Main Street from R-3 One-to-Eight Family Residence District to R-3 Special Use District to allow the property to be used as a professional office for psychology therapists. This petition was heard at public hearing before the Richmond Advisory Plan Commission on October 25. The Plan Commission unanimously recommended approval.

Councilor Wissel moved to amend Ordinance No. 76-2007 to add the Commitments recommended by the Planning Staff and endorsed by the Plan Commission, with a second by Councilor Sharp:

1. A sign no larger than 2'x3' be allowed in the front yard and a sign of 1'x1' be allowed on the side.
2. The signs may not be internally illuminated.
3. A landscape plan must be submitted to the Planning Office which meets the Visual Enhancement guidelines and be installed within six months of the passage of this Ordinance.
4. Staff recommendation is contingent upon meeting all additional applicable state and local building code requirements which may require this project to be filed with the State of Indiana.
5. Pursuant to IC 36-7-4-921, these commitments shall be binding upon: 1) the owner of the parcel; 2) a subsequent owner of the parcel; and 3) a person who acquires an interest in the parcel.
6. In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Upon a vote *viva voce*, the motion passed.

Council President Pappin declared Ordinance No. 76-2007 as amended on second reading and public hearing. Speaking in favor was Anne Liebert, Lingle Real Estate. There being no comments against the Ordinance, Councilor Wissel moved for engrossment of Ordinance No. 76-2007 as amended with a second by Councilor Parker. Upon a vote *viva voce*, the motion passed.

Councilor Wissel moved to advance Ordinance No. 76-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Elstro. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 76-2007 as amended on third reading by title only.

Ordinance No. 76-2007 as amended was adopted with an 8-0 roll call vote.

**ORDINANCES ON THIRD READING**

None

**CALL FOR ADJOURNMENT**

There being no further business, the meeting was adjourned.

S/S Diana Pappin  
Diana Pappin, President

ATTEST: S/S Karen Chasteen  
Karen Chasteen, City Clerk